

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID BRIAN MORGAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-20-1232-D
)	
SCOTT CROW, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell under 28 U.S.C. § 636(b)(1)(B). Judge Mitchell finds that Plaintiff has sufficient funds to pay the \$402.00 filing fee for this action and recommends that his Application for Leave to Proceed In Forma Pauperis be denied. Judge Mitchell further recommends that Plaintiff be required to pay the full filing fee to the Clerk within 21 days of any order adopting the R&R, and that the action be dismissed without prejudice if timely payment is not made.

The record shows that Plaintiff has made no timely objection to the R&R nor requested additional time to object. Plaintiff was expressly advised of his right to object and the implied waiver rule. *See* R&R at 2. Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the R&R. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, for the reasons stated by Judge Mitchell, the Court finds that Plaintiff should be required to pay the full filing fee for this action within 21 days

from the date of this Order and, if the filing fee is not paid, the case should be dismissed without prejudice to refiling.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 9] is ADOPTED. Plaintiff's Application for Leave to Proceed In Forma Pauperis [Doc. No. 7] is DENIED.

IT IS FURTHER ORDERED that Plaintiff shall pay the \$402.00 filing fee to the Court Clerk within 21 days from the date of this Order. If Plaintiff fails to make full payment or show cause for nonpayment by that date, the action will be dismissed without prejudice to a future filing.

IT IS SO ORDERED this 20th day of January, 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge